

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

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|--------------------------------|---|--------------------------------|
| STEPHON ORLANDO NEWMONES, |) | |
| |) | |
| Plaintiff, |) | 1:21-CV-00276-RAL |
| |) | |
| vs. |) | RICHARD A. LANZILLO |
| |) | UNITED STATES MAGISTRATE JUDGE |
| MS. RANSOM, PSYCH, INDIVIDUAL |) | |
| AND OFFICIAL CAPACITY; C.O. |) | |
| SNIPPITT, SECURITY, INDIVIDUAL |) | ORDER ON MOTIONS TO DISMISS |
| AND OFFICIAL CAPACITY; MR. |) | ECF NO. 28 |
| GOTTUSMAN, PSYCH, INDIVIDUAL |) | ECF NO. 35 |
| AND OFFICIAL CAPACITY; C.O. |) | |
| TAYLOR, C.O. SANTOS, |) | |
| |) | |
| Defendants, |) | |
| |) | |

Plaintiff Stephon Orlando Newmones’ (“Newmones”) filed his fourth amended complaint on March 15, 2022. *See* ECF No. 15. Two motions to dismiss that pleading are currently pending in this case. On May 13, 2022, Defendants Ransom, Santos, Snippitt, and Taylor have a filed a motion to dismiss at ECF No. 28. Then, on June 10, 2022, Defendant Gottusman also filed a motion to dismiss. *See* ECF No. 35. Newmones was given until July 18, 2022, to file an amended complaint or a response to the motions to dismiss. *See* ECF No. 38. In response to the Court’s order, Newmones filed a document identified as an “amended complaint” on July 7, 2022. ECF No. 40. Newmones’ most recent filing consists of arguments concerning administrative exhaustion—an issue not raised in the motions to dismiss—and contends that he pleaded facts sufficient to withstand the Defendants’ motions. *See, e.g.*, ECF No. 40, pp. 1-3. . After a thorough review, the Court construes Newmones’ “amended complaint” as his response

to the motions to dismiss. The title of a filing is not nearly as important as the substance of that filing and the Court may properly classify documents as amendments, supplements, or responses based on substance. *See, e.g., Garrett v. Wexford Health*, 938 F.3d 69, 81 (3d Cir. 2019). Thus, the Amended Complaint docketed at ECF No. 15 remains the operative pleading.

To the extent any additional facts are presented in that document, the Court will consider those averments as supplements to the Amended Complaint. The Defendants may file a Reply addressing any additional facts within fourteen (14) day of the date of this Order.

DATED this 11th day of July, 2022.

BY THE COURT:



RICHARD A. LANZILLO
UNITED STATES MAGISTRATE JUDGE